

## **REMARKS**

Claims 1-13 are presently pending. Claims 3, 4, 7, 11 and 13 have been withdrawn as being directed to non-elected subject matter. Claims 1, 5, 6 and 9 have been amended. The drawings and written description have been amended for the reasons discussed below.

Applicants respectfully request that the present application be reconsidered in view of the foregoing amendments and the remarks appearing below.

### **Examiner Interview**

Applicants and the below-signed attorney, Morgan Heller II, thank the Examiner for holding the telephonic Examiner Interview of March 21, 2007, with the Mr. Heller II. The following issues were discussed during the Interview: 1) differences between the subject matter of the present application and U.S. Patent No. 5,503,579 to Curran et al. (see the anticipation rejection below) that render the Curran et al. patent non-anticipatory; 2) changes to the drawings and written description to more specifically address the “add-on” cowl described in original paragraph [0018] and encompassed by original independent claims 1 and 9; and 3) references cited recently in a corresponding Japanese patent application.

### ***Differences Relative to the Curran et al. Patent***

The Examiner and Mr. Heller II discussed differences between the subject matter of the present application and the Curran et al. patent. Specifically, Mr. Heller II pointed out that Curran et al. fail to disclose or suggest a handle having a cowl that seamlessly extends the handle past the fixed locking component and over the reel seat body. The Examiner agreed with Mr. Heller II. The Examiner did not make any determinations regarding the language in previously pending independent claim 5 that purports to capture this difference. Mr. Heller II indicated that he would review the claims in view of this discussion.

### ***Changes to the Drawings and Written Description***

The Examiner and Mr. Heller II discussed the fact that an “add-on” cowl covered by at least independent claims 1 and 9 is not shown in the drawings, but is described in the detailed description. Mr. Heller II proposed amending one of the figures, such as FIG. 3, to include a dotted line indicating that in an alternative embodiment the cowl portion of the unitary embodiment shown in FIG. 3 may be provided as a separate piece for, e.g., retrofitting rods

having conventional handles with an add-on cowl. The Examiner agreed in principle that it would be acceptable to amend FIG. 3 to show such a dotted line just below the bottom-most finger depicted in FIG. 3. The Examiner indicated the written description would have to be amended to describe the additions to FIG. 3. Mr. Heller II agreed to submit amendments to the drawings and written description for approval by the Examiner.

#### ***References Cited During Prosecution of Related Japanese Patent Application***

Mr. Heller II informed the Examiner that Applicants will be submitting with their Response (the present Response) the five references recently cited by the Japanese Patent Office during prosecution of a Japanese patent application related to the present application. Mr. Heller II indicated that he believes the current application contains subject matter that is patentable over these references, each standing alone and in any combination with one another and/or any of the references currently of record. Mr. Heller II stated that he will address the “new” references in response to the current Office Action.

#### **Amendments to Drawings and Detailed Description**

As described above, during the Examiner Interview the Examiner agreed that Applicants could amend FIG. 3 to include a dotted line that illustrates the concept of the “add-on” cowl described in paragraph [0018] of the specification as originally filed. Pursuant thereto, Applicants submit herewith an amended FIG. 3 and respectfully request that the Examiner approve amended FIG. 3. Applicants have amended paragraph [0018] of the specification to refer to the new reference numerals in FIG. 3.

In view of the discussions during the Examiner Interview, Applicants respectfully request entry of these amendments.

#### **Rejection Under 35 U.S.C. § 112, second paragraph**

Claim 6 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to point out and specifically claim the subject matter that Applicants regard as their invention. Specifically, the present Office Action states that claim 6 recites the limitation of “said semi-cylindrical body,” whereas claim 5 from which claim 6 depends recites “said semi-cylindrical cowl.”

Applicants have amended claim 6 to include “said semi-cylindrical cowl” rather than “said semi-cylindrical body.” Therefore, Applicants respectfully request withdrawal of the present rejection.

**Rejection Under 35 U.S.C. § 102(b)**

Claims 1, 2, 5, 6, 8-10 and 12 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,503,579 to Curran et al.

Curran et al. disclose a removable floatation device for a fly rod. The floatation device includes flexible layers of cloth forming pockets that receive pieces of pliable closed cell foam. The floatation device is securable to a fly rod over the reel seat region using a pair of straps and hook and loop fasteners for securing the straps in place. To fasten the floatation device to a fly rod, one of the straps is wrapped tightly around the down-rod end of the hand grip and the other of the straps is wrapped tightly around the up-locking adjustable attachment ring adjacent the butt end of the rod.

Turning to the rejected claims, independent claim 1, as amended, requires among other things “a semi-cylindrical body having top and side surfaces adapted to be butted to the butt end of the handle . . . [and] adapted to . . . substantially seamlessly extend the handle toward the butt end of the rod past the fixed reel lock component toward the moveable reel lock component thereby covering a portion of the reel seat body.” Curran et al. teach, on the other hand, a floatation device that neither abuts the butt end of a handle (it overlaps the Curran et al. handle grip (or just “handle” in the parlance of claim 1)) nor substantially seamlessly extend the handle. Therefore, Applicants respectfully assert that the subject matter of the Curran et al. patent does not anticipate amended independent claim 1, nor claim 2 that depends therefrom.

In addition, Applicants believe that Curran et al. also fail to disclose that “said top surface of said semi-cylindrical body and said side surfaces of said semi-cylindrical body have a convex trailing end and convex bottom edges, respectively,” as required by claim 2. It appears that the Curran et al. trailing end is completely straight with no contours at all. *See, e.g.*, FIG. 4. For this additional reason, Applicants respectfully assert that the subject matter of the Curran et al. patent does not anticipate claim 2.

As for independent claim 5, this claim, as amended, requires among other things an “elongated handle sleeve providing a hand grip” and a “semi-cylindrical cowl joined with said elongated handle sleeve so as to provide a substantially seamless extension to said elongated handle sleeve.” Again, Curran et al. do not disclose or suggest a semi-cylindrical cowl that provides a substantially seamless extension to the handle sleeve. Rather, they teach a floatation device that wraps around a handle grip in an interruptive and non-seamless manner relative to the grippability of the hand grip. Therefore, Applicants respectfully assert that the subject matter of the Curran et al. patent does not anticipate amended independent claim 1, nor claims 6 and 8 that depend therefrom.

In addition, Applicants believe that Curran et al. also fail to disclose that “said top surface of said semi-cylindrical body and said side surfaces of said semi-cylindrical body have a convex trailing end and convex bottom edges, respectively,” as required by claim 6. Again, it appears that the Curran et al. trailing end is completely straight with no contours at all. *See, e.g.*, FIG. 4. For this additional reason, Applicants respectfully assert that the subject matter of the Curran et al. patent does not anticipate claim 6.

Regarding independent claim 9, this claim, as amended, requires among other things a “semi-cylindrical body providing a substantially seamless extension to the handle. As discussed above relative to claims 1 and 5, Curran et al. do not disclose or suggest such a seamless extension to the Curran et al. handle grip. Therefore, Applicants respectfully assert that the subject matter of the Curran et al. patent does not anticipate amended independent claim 9.

In addition, Applicants believe that Curran et al. also fail to disclose a semi-cylindrical body including “a top surface and side surfaces having a convex trailing end and convex bottom edges, respectively,” as required by claim 10. Again, it appears that the Curran et al. trailing end is completely straight with no contours at all. *See, e.g.*, FIG. 4. For this additional reason, Applicants respectfully assert that the subject matter of the Curran et al. patent does not anticipate claim 10.

For at least the foregoing reasons, Applicants respectfully request withdrawal of the present rejection.

### **Patentability Over New References Cited in Accompanying Supplemental IDS**

As mentioned above in the Examiner Interview summary, Applicants recently became aware of five references cited by the Japanese Patent Office during the prosecution of a Japanese patent application related to the present application. These references are Japan Patent Publication No. 1986-87066 to Nodera, Japan Patent Publication No. 1993-43861 to Ohyama, Japan Patent Publication No. 1996-154540 to Hidetoshi, Japan Patent Publication No. 1994-86466 to Kimura and pages 132-135 of a 2000 Daiwa fishing goods catalog. Applicants have reviewed these references and respectfully submit that the amended claims are patentable in view of these references, each standing alone and in any combination with one another and/or the references previously of record.

Regarding the Nodera publication, as best as Applicants can discern this publication discloses an uplocking-type fishing rod having a handle located up-rod of the reel seat body. The handle appears to be a largely conventional handle without any cowl extension(s) extending over the reel seat body. Each of claims 1-13 as amended, on the other hand, requires a semi-cylindrical cowl (body) that provides a substantially seamless extension to a handle that is located up-rod of the reel seat body.

Regarding the Ohyama publication, as best as Applicants can discern this publication discloses an uplocking-type fishing rod having a handle in the same region of the rod as the reel seat body. The handle has an integrally molded “fixing” hood (3) for affixing a reel to the rod. As depicted in FIG. 2, when a user holds the Ohyama rod, the user’s hand is located substantially entirely within the reel seat body region of the rod. Each of claims 1-13, as amended, on the other hand, requires that the handle be located up-rod of the reel seat body (the reel seat body is “located between the handle region and the butt end” of the rod). This is not so in the Ohyama device, since the handle is right at the reel seat body. In addition, the claims require that the semi-cylindrical cowl (body) extend the handle “past” the fixed reel lock component. This is not so in the Ohyama device since the handle is at the reel seat body and not up-rod of it. Further, a number of the claims, including amended independent claims 1 and 9, require that the cowl be separate from the handle and adapted to provide a substantially seamless extension of the handle

when joined thereto. This contradicts the Ohyama handle, which is completely unitary and would not make sense to componentize.

Regarding the Hidetoshi publication, as best as Applicants can discern this publication discloses a downlocking rod in which the reel is mounted on the top of the rod. A handle is provided largely down-rod from the reel seat body. The present claims, on the other hand, require an uplocking rod and a cowl specifically adapted for use with a handle located up-rod of the reel seat body.

Regarding the Kimura publication, as best as Applicants can discern this publication discloses subject matter that has many features that are similar to features in the Ohyama publication discussed above. Therefore, the comments made relative to the Ohyama publication apply to the Kimura publication. Indeed, the user gripping region disclosed by Kimura is even farther down-rod than the gripping region disclosed by Ohyama, further distancing the Kimura device from the present claims. Moreover, the Kimura “handle” is actually a composite of several structures, including the reel seat body (14), the upper portion of the reel (22) and the movable hood (18).

Regarding the Daiwa catalog pages, as best as Applicants can discern all of the uplocking fishing rods disclosed therein have conventional handles that do not include cowl extensions extending down-rod and substantially seamlessly extending the handles over the reel seat body.

### **The Binkley Reference**

Part 7 of the present Office Action indicates that U.S. Patent No. 3,229,406 to Binkley is considered pertinent to Applicants’ disclosure. Applicants have reviewed the Binkley patent and respectfully submit that Binkley does not disclose or suggest a semi-cylindrical cowl (body) that provides a substantially seamless handle extension in the manner of the amended claims.

### **The Withdrawn Claims**

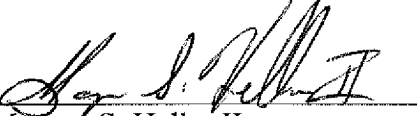
Applicants respectfully assert that once independent claims 1, 5 and 9 are allowed, presently withdrawn claims 3, 4, 7, 11 and 13 should also be allowed by virtue of their dependency from allowed claims.

**Conclusion**

In view of the foregoing, Applicants respectfully submit that claims 1-13, as amended, are in condition for allowance. Therefore, prompt issuance of a Notice of Allowance is respectfully solicited. If any issues remain, the Examiner is encouraged to call the undersigned attorney at the number listed below.

Respectfully submitted,

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Attachments:

Drawing sheet containing amended FIG. 3

Supplemental Information Disclosure Statement (IDS)

References Cited in Supplemental IDS (5)

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